



PATENTS  
VPI/SW/002 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paul R. Sleath, et al.  
Application No. : 09/670,106 Confirmation No. : 5809  
Filed : September 26, 2000  
For : INTERLEUKIN 1 $\beta$  PROTEASE AND  
INTERLEUKIN 1 $\beta$  PROTEASE INHIBITORS  
Group Art Unit : 1614  
Examiner : Cybille Delacroix-Muirheid

Palo Alto, CA 94301  
December 30, 2004

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER  
37 C.F.R. § 1.321(b) and (c)

Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX PHARMACEUTICALS INC."), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

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United States patent application No. 09/670,106 (hereinafter "the '106 application"), for "INTERLEUKIN 1 $\beta$  PROTEASE AND INTERLEUKIN 1 $\beta$  PROTEASE INHIBITORS," filed on September 26, 2000; which is a continuation of U.S. application No. 09/039,657, filed March 16, 1998, now U.S. Patent 6,136,787 (hereinafter "the '787 patent"), which is a division of U.S. application No. 08/440,179 (hereinafter "the '179 application"), filed May 12, 1995, now U.S. Patent 5,756,465 (hereinafter "the '465 patent"); which is a division of U.S. application No. 08/203,716, filed February 28, 1994, now U.S. patent 5,416,013; which is a continuation of U.S. application No. 07/750,644, filed August 30, 1991, now abandoned; which is a continuation-in-part of U.S. application No. 07/505,298, filed April 4, 1990, and U.S. application No. 07/656,759, filed February 13, 1991, now both abandoned.

An assignment of the entire right, title and interest in and to the subject matter of the '106 application and the '465 patent was recorded in the United States Patent and Trademark Office in the '179 application on January 26, 1998 at Reel/Frame 8934/0212 and in the '465 patent on March 16, 1998 at Reel/Frame 9067/0001.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '106 application which would extend beyond the expiration date of the '465 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '106 application

shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '465 patent, this agreement to run with any patent granted on the '106 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '106 application prior to the full statutory term of the '465 patent, in the event that the '465 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

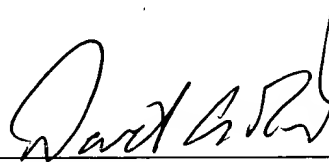
The undersigned hereby states and certifies that:

1. The undersigned is an attorney of record in the '106 application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '106 application and the '465 patent is in assignee.

VERTEX PHARMACEUTICALS INCORPORATED

Respectfully submitted,



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